

**Application for Funding Assistance**  
**Florida Department of Law Enforcement**  
**Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program**

compound the problem, Monroe County has the one of the highest costs of living in the State. Housing rents are the highest in the state. (2003 Continuum of Care and Southernmost Homeless Assistance League study). Reportedly, 30% of the homeless have mental illness and 10% of the incarcerated population suffer from mental illness.

Mentally ill homeless residents with histories of substance abuse often become incarcerated. Upon release, many of these individuals become homeless and mentally unstable. Fortunately, our program provides them with a supportive environment. The dual diagnosed homeless often loose contact with mental health services critical to their well being. Homelessness itself produces additional stress. Many are charged with felony substance abuse, grand theft, and other serious crimes. Sometimes their behaviors are influenced by their illness, especially when they are no longer on a medication regimen.

To date the United States Fellowship of Florida (USFF) is the oldest and only provider of affordable supportive housing for the severely mentally ill in Monroe County. The present economic status of the nation has caused many foundations, as well as government agencies, to reduce support for programs such as ours. This reality has made Byrne Grant funds even more critical. We need to continue support for these offenders and save the community additional expenses by our preventive and curative program.

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2. **Project Description:** Briefly describe proposed project activities. Refer to Appendix II, Part 1, Pages 1-3 for a description of eligible project areas). You should include project goals, administration, enhancement/expansion, staff, service providers, clients or other participants, equipment, location, and expected project results, as described in the application instructions

This section should address the basic points of who, what, when, where, and how,

Continue on additional pages if necessary; do not exceed three pages.

**CONTINUATION PROJECT**

The Dual Diagnosed Offender Program (DDOP) is operated by a non-profit organization, The United States Fellowship of Florida (USFF). The DDOP is located at the Peacock Apartment site. Peacock apartments provide affordable supportive housing for those with severe mental illness. In the first year of operation to date (5/15/03) the DDOP has maintained 100% occupancy. One client was terminated because of sexual misconduct and the unit was immediately filled. There have been no major obstacles or significant changes in the program.

2. a. **Project Enhancement and Expansion:**

Peacock Apartments has 28 beds for formerly homeless, mentally ill residents of Monroe County. This year the DDOP will provide 8 supportive affordable beds in Key West to mentally ill adults who have a history of substance abuse and have been charged with, or convicted of, misdemeanor or felony crimes. Last year Byrne funded 4 beds. By providing affordable supportive housing for persons with disabilities (mental illness and substance abuse), we can prevent relapse, detention, and additional jail and prison terms. Coordinating mental health treatment (counseling and medication compliance for their mental health conditions) and life skills training will be instrumental in reducing their risk of substance abuse, criminal activity, and homelessness while living in the community. We can reduce our mentally ill jail population.

Our program is an active participant in SHAL (Southern Homeless Assistance League) which addresses the needs of the homeless population and those at risk of becoming homeless. We work intensively with other social service agencies to provide services for the well-being of our clients. With additional funding this year, we will be able to expand our Byrne program from four to eight beds, and serve persons who were on a waiting list.

2. b. **The goals of the Program are:**

Immediate Goals:

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1. To identify the potential client population through contact with the case managers at the County Jail, Care Center for Mental Health, Guidance Clinic, Pre-Trial Services and the Court System, including the Public Defender's Office, Guardian Ad Litem, and law enforcement. The Peacock Apartments staff interviews all potential clients. Upon assessment and acceptance to DDOP, referrals and treatment plans are implemented.
2. To provide eight offenders with affordable housing and supportive services, including a bed/unit, utilities, furniture, cable TV, phone, transportation, supervision, monitoring, referral to mental health treatment, referral to substance abuse treatment, random drug testing, liaison case management, limited recreation, camaraderie and supervision of medication compliance.
3. To provide referrals to other appropriate programs for offenders that do not meet our criteria for our program. For instance, we refer ineligible clients to Samuel's House, Housing Authority, Florida Keys Outreach Coalition, DePoo Hospital, Care Center, Guidance Clinic Middle Keys etc.
4. To be available to provide supportive services to clients who successfully complete their treatment plan in our program. Services to graduates of the program may include inclusion in social events at Peacock Apartments, assistance with money management, and referral to other social agencies.
5. To find additional sources of funding for long term program sustainability.

**Long Range Goals:**

6. Economic sustainability
  - a. To increase board participation, public awareness, and fundraising,
  - b. To network with other agencies in increasing services to clients.
  - c. To start an activity program that will generate additional income to lower client fees.

**2. c. Treatment and Prevention Projects**

USFF has been providing affordable and supportive housing in Monroe County since 1988. USFF is a non-profit organization and is the only and oldest organization that provides these services (affordable supportive housing for mentally ill). Our Marathon facility is a Limited Treatment Facility that accommodates the more severely impaired. Peacock and Byrne beds do not require that intensive level of services.. Treatment is provided at a Mental Health facility not on site, therefore there is no licensure requirement. (5/15/03 C & F correspondence).

**2.d. Multi-jurisdictional task force projects: Not Applicable**

**2.e. Project Staff:**

Both Administrative and Program Directors split an equal amount of time at each facility. Byrne units are at Peacock location only. Staff for the Peacock Apartments include the Administrative Director, Gary Lowe; Program Director, Claire Condra; Peacock Site manager Amy Naylor (PT Ceri Walding); and four live-in Residential Counselors. Office hours are 8 a.m. to 10 p.m., and a staff member is always on call. Staff will perform intake appointments, assessments, referrals, assistance in treatment planning, liaison case management, limited transportation, supervision of medication

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compliance, supervision of mental health treatment compliance, assistance with money management, drug/alcohol testing, and assistance with activities of daily living.

2.f. Project Equipment: Not Applicable

2.g. Project Location:

The residents of the DDOP will continue to be provided a single bedroom in one of our four-bedroom apartments, located at Poinciana Plaza, Key West, Florida, as part of Peacock Apartments Residential Mental Health Program. To qualify for the program, one must be a resident of Monroe County.

2.h. Project Activities/Administration:

1. Level of care is based on least restrictive model. Clients are provided with liaison case management with mental health. We will provide as needed: limited transportation, assistance in scheduling of appointments, assistance in daily living skills (grocery shopping, recreation, activities etc) supervision of medication regimen, and monitoring compliance of treatment plan.,

2. DDOP clients are given random drug tests at least once per month and whenever there is suspicion of use. Rooms are checked weekly. Site counselors have weekly, sometimes daily, contact with clients.

2. i. Target Group

Persons who are disabled due to having a chronic serious mental illness in addition to a substance abuse problem (a dual diagnosis) and be either charged or convicted of misdemeanor or felony crimes, who are not a danger to the community.

Eligibility

1. Clients must not have a history of violence.

2. Clients must have a diagnosed mental illness, a history of substance abuse, a criminal history and must be under the case management of a mental health center. Clients must be under a treatment plan

3. Clients must have a funding source either from self, family, SSI, SSDI, VA, or may qualify for benefits from these sources.

4. Clients must have a criminal background check with no history of violence or sexual aggression.

5. If a previous resident, clients must be in good standing with peacock Apartments.

6. Clients must have a medical treatment plan recommending placement at one of our facilities.

7. All clients must be capable of transitional living. They must be able to care for themselves.

Each resident's treatment plan will determine the length of stay in the program, as per his or her criminal case requirements. The minimum stay will be ninety days, and the maximum stay will not be limited. The treatment plan will address the frequency of drug/alcohol testing, the consequences if a test is positive, the requirements for

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appropriate behavior, and compliance with medications during the duration of the participation in the program. Coordination with pre-trial services, probation, parole, and other law enforcement agencies will be included in the treatment plan. The level of supportive services a client receives is individually determined, and is based on need.

For instance, some clients require daily supervision (help in hygiene, following treatment plan, keeping appointments, apartment cleanliness, chore completion, following their medication regimen etc). Others may be self-directed and sufficient in complying with treatment plan and house rules with limited monitoring.

**2. j. Project Results**

The success of the project can also be judged by decreases in criminal activities (arrests), crisis stabilization, detoxification, and program non-compliance (termination). Success can also be measured by program compliance and successful graduation of program (e.g., becoming self sufficient, relocating and being provided aftercare services).

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**Part II**  
**Corrections Alternative - Halfway House**  
**State Program Area 20**

This document provides guidance for project applications prepared for state program area 20. This includes suggested length of responses for some items as well as identifying specific information to be provided. The narrative should be as concise as possible. Please also see other guidance in application instructions.

**SECTION E: 2. PROJECT DESCRIPTION**

**NEW PROJECTS**

If this is a first year project that begins a new 48 month cycle *and* you seek funding for the *same* previously funded state program area, please describe any *significant* changes in the target population, geographical location, and/or project activities in 300 words or less.  
This is a continuation project.

**CONTINUATION PROJECTS**

If this is year 2 or later for the project, please address the following items.

1. Briefly describe the major accomplishments for each year.

**CONTINUATION PROJECT**

"In the first year of operation to date (5/15/03) the Dual Diagnosed Offender Program, DDOP, has maintained 100% occupancy. One client was terminated because of sexual misconduct and the unit was immediately filled from the waiting list. There have been no major obstacles or significant changes in the program. In our first year of operation three out of four residents had no arrests. All four clients did not require detoxification treatment; one client was sent to the emergency room twice for assessment (possible Marchman) and was shortly released back to the program

2. Briefly describe any major obstacles that were identified the previous year and what approach to overcoming them is incorporated in the current year.  
"There were no major obstacles requiring program adjustment."
3. If there are any changes or enhancements planned for the current year, please describe them in 300 words or less, including how they will more effectively address the identified problem.

"We will continue to provide supportive services. In addition, we are starting to offer recreational activities for our clients. For instance, this year we have taken clients to concerts and bowling. In the upcoming year we plan to engage residents in more community inclusion activities (e.g., volunteer work).

4. If the project will continue to operate as previously established, provide any critical additional information that has not otherwise been addressed in the application in 300 words or less.  
"In the 2003-4 year we will increase the number of clients in DDOP to eight.

**NOTE:** If your project includes only one service provider, complete the following information for this provider. If your project includes more than one provider, include this information for each provider that you list in the table, including questions in the target group section and the project activities section.

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**SERVICE PROVIDER / PERSONNEL**

1. Identify the service provider agency that will be part of this project.  
"The Dual Diagnosed Offender Program (DDOP) is operated by a non-profit organization, The United States Fellowship of Florida (USFF). The DDOP is located at the Peacock Apartment site. Peacock apartments provide affordable supportive housing for those with severe mental illness.
2. Be sure to include the following information if the provider is known:
  - a. List the Service Provider Name The United States Fellowship of Florida (USFF).
  - b. Identify the Service Provider's administrative location. USFF Administrative functions are located at the Heron House 1320 Coco Plum, Marathon, FL 33050. The administration of day-to-day activities of the Dual Diagnosed Offender Program is the Peacock Apartments 1624 Spalding Court Apt D, Key West 33040
  - c. Will the relationship of the Subgrantee or Governmental Implementing Agency to the Service Provider be a contractual one? Yes Or are they administratively part of either the subgrantee and/or implementing agency?
  - d. Does the agency providing the proposed service require a license? Peacock apartments has an occupational license but is not required to have a Dept. of Children and Families licensure, since therapeutic services are provided off-site.
  - e. List all licenses the Service Provider will use in providing only the services through this contract. Do not list all other licenses the Service Provider holds.  
N/A
3. If the relationship with the service provider is contractual, will you use competitive bids or sole source procurement? The applicant should note that if sole source procurement is used, and the budgeted amount is greater than \$100,000, preapproval must be obtained from FDLE prior to the reimbursement of funds.  
**Sole Source Procurement**
4. If service provision occur at more than one location and/or at a location other than the one identified in item 2 above, please specify all service location addresses.  
We provide transportation of our clients to Mental Health As of 5/21/03 One client of the DDOP goes to day treatment at the GCMK in Marathon. The remaining 3 clients go to the Care Center in KW. All clients have a primary case manager at a Mental Health Facility.
5. Identify the role(s) of key personnel by title and provide a brief description of their primary responsibility. These individuals may or may not be grant funded but provide project activities that are eligible for Byrne Program funding and that establish the "program" your will be reporting on in the quarterly performance ureports. For example, if you only purchase drug prevention education materials, you would identify personnel, such as a crime prevention officer, who conducts project activities such as classes using the materials.
  - a. List position title, job description (list only key tasks) and agency.  
Program Director: Oversees funding and administration.  
Program Administrator: Overseas daily program activities.  
Site Manager: Provides direction, overseas daily operational tasks, keeps records and monitors clients  
Residential Staff: Maintains/provides supportive services for clients and monitors clients behaviors. May include transportation  
Transport Driver: Transports clients to GCMK in Marathon
  - b. Indicate the number of staff who will provide project activities.  
Site Manager, transport driver and 4 residential staff
  - c. Specify whether positions are Agency or Contract staff.

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All staff are agency positions

- d. Indicate whether positions will be funded with project funds.  
Yes. See Budget Narrative 2.
- e. Specify whether positions provide services under a Service Provider's license.  
N/A
- f. Indicate whether positions require a license for individuals providing project services.  
N/A
- g. If any license is required, specify the status of the license. Indicate "YES" if the license is current (or you may indicate "Pending"). However, if your response in column 6 or 7 is "YES" and your response in column 8 is "NO", you must provide an explanation.

### TARGET GROUP

Identify the basic demographics of your target group. Include age range and gender.

As of 5/14/03 we have 4 male clients (3 white and 1 black) in our Dual Diagnosed Offender program. Their ages are 28,50,53 and 56. In June we are expecting an additional 4 clients. The demographics on the newly accepted clients are; 2 white males (45 and 52) and 2 females (45 and 48 one white and one black)

Estimate the number of participants. If the project includes multiple components or activities and not all participants will be included in each, please discuss briefly the differences.  
Starting in 6/03 DDOP will provide supportive affordable housing for 8 clients.

In 300 words or less, respond to the following items regarding the selection of clients for treatment.

- a. What is the clients' link to the criminal justice system and how do they meet the requirement for being offenders? For example, have they committed a misdemeanor, felony or both? If juvenile, have they been processed at a Juvenile Assessment Center? If they will be accepted based on referral by an organization such as a court or law enforcement agency, include that information as well.  
All of our current clients have criminal and substance abuse record and under the care of a mental health case manager. 4 additional clients are expected to come into the program in June 03. The clients are being referred to Peacock from DePoo, Heron, Safe Port, and detention (Care Center). Their criminal histories include felonies and misdemeanors.
- b. List all other criteria that clients will be required to meet in order to qualify for selection. If activities will be provided for family or significant others, please include them as well. If either specific age groups, or school categories (i.e., second grade, high school) will be used as categories, that information should also be included.
  - 1. Clients must not have a history of violence.
  - 2. Clients must have a diagnosed mental illness and under the case management of a mental health center. Clients must be under a treatment plan
  - 3. Have a funding source either from self, family, SSI SSDI, VA or may qualify for benefits from these sources.
  - 4. Criminal background check with no history of violence
  - 5. If a previous resident, be in good standing with peacock Apartments.
  - 6. Medical treatment plan recommending placement at one of our facilities
  - 7. Have a criminal and substance abuse history.

- c. Identify by position title(s) the individuals that will determine client eligibility.

The program administrator and site managers do the screenings, intake procedure and



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determine eligibility to the program

### ACTIVITIES

1. If your project does not stand alone, but is part of an existing program, please describe this relationship.

Dual Diagnosed offenders live in the Peacock apartments. The Peacock Apartment program is almost the same for all clients (affordable supportive housing). The only difference is that the Dual Diagnosed Offender clients must have a substance abuse problem, a criminal history and are randomly drug tested per month.

2. Please indicate the activities your project will provide. Select from the following list of commonly funded activities or add additional activities, as appropriate.

Note: Please be consistent between activities you select from the list and the *Objectives and Performance Measures* on which you will be reporting:

Common Treatment Project Activities	
Medical Assessment	
Psychosocial Assessment	
Treatment plans	X*
Intake and Screening	X*
Case Management	X*
Drug Screening / Testing	X
Educational programs for relapse prevention	
Counseling	
Vocational Training	
Transportation	X*
Court Liaison	
Offender Tracking	
Individual Therapy	
Group Therapy	
Family Therapy	
Short-Term Counseling	
Diagnostic Activities	
Meals	
Referral to community resources	X*
Residential Services	X
Other	X*

X\* activities are done on an as needed basis and often in liaison (supplemental) with primary mental health treatment plan. For instance our staff monitors compliance to Mental Health's treatment plan and reports directly to their mental health case manager any concerns. We sometimes monitor Alcoholics Anonymous attendance, life skills (cleanliness, hygiene, chore routines, etc.), and report significant behaviors to mental health case managers. Assistance in scheduling and providing transportation is critical in linking clients to services.

Dual Diagnosed offenders are encouraged to participate in Peacock Apartment activities. These activities, by nature, are relatively risk free of drug use and promote alternative drug free activities

3. Provide the following information for all proposed project activities and/or events listed in

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response to item 3 above. N/A Previously outlined

- a. Describe the project activity.
- b. Define the unit of measurement for this activity. (Ex. one hour group counseling for 10 clients)
- c. Estimate the frequency that the project will perform this activity.
- d. Estimate the number of participants that will engage in this activity.
- e. Estimate the number of defined units that the project will provide.

In 200 words or less, respond to the following items regarding the treatment services. N/A

- a. What is the expected length of treatment? Clients are disabled due to chronic mental illness. They may be in treatment indefinitely.
- b. Are there different phases of treatment? If so, please describe. No

Briefly describe what is considered successful completion of the program and how it will be measured. This should include whether it is time, activity or content based. For example, successful completion for an individual could be attendance at all classes included in the program, staying drug-free for 90 days following completion of the treatment plan.

Program success is measured by decrease in hospitalizations, detoxification's, crisis stabilization's, arrests/incarcerations, and ability to comply with program rules.

What happens if someone does not successfully complete his or her treatment? If this includes expulsion, list the criteria.

Expulsion can be done on non compliance to medical treatment plan, failure to comply with program rules (e.g., substance use and violence) and inability to pay client fees.

Executive Director or Program Director responds to all grievances in writing within 3 working days. If possible a behavioral contract is implemented to prevent expulsion.

Will sanctions and/or incentives be used to encourage completion and compliance with the treatment plan? If yes, respond to the following. Yes

- a. Identify and describe all sanctions and/or incentives. Incentives to comply with many aspects of client's treatment plans are an integral part of the housing milieu. Residential staff are available to provide support and therefore assist clients in adhering to their treatment plan compliance and daily living. For rule violations, offenders will receive a three-day notice to comply and a new service plan or behavior contract. Repeated violations or serious violations will result in eviction.
- b. Describe when and how they will be used.

If the program is a Drug Court Offender Community Treatment program, describe how the program will comply with the 10 key elements outlined in the U.S. Department of Justice, Office of Justice Programs, Drug Courts Program Office, program guidelines "Defining Drug Courts: The Key Components", January 1997. In addition, note Section G of the contract regarding requirements for collection and maintenance of data. N/A

If any special training is planned for personnel at any level, please identify this training and describe how it will further the operation of the project. Also identify the position or types of positions that would attend such training.

All personnel receive training that includes limited mental health, HIV, CPR, First Aid, Food Service/Nutrition, Assistance with Medications, the Community Transportation Coordinator, and emergency procedures.

If equipment purchases will be a significant part of the project funding, describe how this equipment will be used in project operations. N/A

### COOPERATING OR PARTICIPATING AGENCIES

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1. List all the agencies and/or organizations participating in project implementation or whose cooperation and/or support are necessary for the success of your project.

Mental Health, social services, Southernmost Homeless Assistance League etc. This population requires a team approach with a multitude of social service providers.

2. Describe the role of each agency / organization.

Mental Health case managers assist in scheduling interface with other providers. USFF staff provides additional support enabling clients to adhere to appointments and treatment plans. Our staff helps clients in transportation, organization, scheduling/making appointments, assistance in filling out forms, etc.

Mental health provides treatment plan for all of our clients. Services may include day treatment, assessments, psychiatric monitoring, obtaining funding and therapy.

3. Have you obtained a commitment for support from each listed agency /organization? If it has not been obtained, describe how this will be accomplished.

We work closely with Mental Health case managers. Copies of mental health treatment plan are frequently updated, reviewed and kept on site.

**OTHER KEY INFORMATION**

In 400 words or less, provide any other key information regarding the program that has not been addressed previously in the application. This should include identifying any other Byrne-funded project/activity/client that overlaps with this request.

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**3. Program Objectives and Performance Measures:** Up to three types of objectives may be included in this section of your subgrant application, i.e., Uniform Objectives, Project-Specific Objectives and Self-Generated Objectives. If you are proposing a project in one of the Authorized Program Areas with no Uniform Objectives, contact FDLE, Office of Criminal Justice Grants, at (850) 410-8700 for further guidance. Continue on a second page if necessary.

- a. List the number and title of the Program Area to be addressed. Refer to Appendix II, Part II, for a listing of authorized program areas. (Select only 1 Program Area)

20A	Corrections Alternatives – Halfway House
(#)	(Title)

- b. List Uniform Objectives first, followed by any other appropriate objectives you may wish to address. If additional objectives are included, please identify whether they are Project Specific or Self-Generated Objectives. Uniform and Project Specific Objectives form the basis for collection of data and quarterly performance reporting.

Uniform Objectives (Mandatory, copy as worded for the program area addressed and include all appropriate questions. Include Objectives from only 1 program area, Objectives from a different program area could be included as Project Specific Objectives).

20A.01	Provide eight (8) offenders with transitional housing. Part 1 – During this reporting period, how many offenders were NEW ADMISSIONS and/or READMISSIONS to transitional housing?
20A.02	Provide eight (8) offenders with case management services and daily structured activities. Part 1 – During this reporting period, were most offenders provided with case management services? Part 2 – During this reporting period, were most offenders provided with daily structured activities?
20A.03	Provide eight (8) offenders with short-term individual and group supportive life skills counseling. Part 1 – During this reporting period, were most offenders provided life counseling?

PS01 - Provide eight (8) clients monthly drug tests.

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4. **Activity Implementation Schedule.** Complete the Activity Implementation Schedule showing when activities in the Program Description will commence and how the project will progress. This chart benchmarks planned activities, both administrative and programmatic. An "X" has been inserted for reports with mandatory due dates for all projects. Place an additional "X" to indicate times applicable to your project, as illustrated for quarterly program reports. Make a detailed listing of key activities under the heading "Programmatic Activities." Your Quarterly Performance Reports will be reviewed against this schedule.

Subgrant Period (Beginning Date -- Ending Date)												
Administrative Activities												
ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Submit Financial Reimbursement Requests	X			X			X			X		
Submit Financial Closeout Package		X										
Submit Quarterly Program Reports	X (04)			X (04)			X (04)			X (04)		
Submit Quarterly PGI Reports (If applicable)												
Programmatic Activities (Continue on a second page if necessary.) Be sure to include activities mentioned in the Project Description												
ACTIVITY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Interview, assess, background screen and evaluate for our program	X	X	X	X	X	X	X	X	X	X	X	X
Referral of client into our project, or to alternate project	X	X	X	X	X	X	X	X	X	X	X	X
Provide case management, monitoring, drug test, and treatment planning	X	X	X	X	X	X	X	X	X	X	X	X
Discharge planning and coordination *	X	X	X	X	X	X	X	X	X	X	X	X
Follow up services *	X	X	X	X	X	X	X	X	X	X	X	X

\*Indicates services are done on as needed basis.

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**F. Project Budget**

**1. Budget Schedule**

- a. The Project Budget Schedule includes five Budget Categories (Salaries and Benefits, Contractual Services, Expenses, Operating Capital Outlay, and Indirect Costs) and Total Project Costs. Total Local Match must be a minimum of 25% of the Total Budget.
- b. Enter the amount of federal, matching, and total funds by budget category that you will use to support project activities. Enter dollar amounts only in applicable categories based on totals from the Budget Narrative and leave others blank. Total Local Match must be a minimum of 25 percent of the Total Budget.
- c. ~~Show all figures rounded to the next highest dollar; do not include cents.~~

**Type or Print Dollar Amounts Only in Applicable Categories and Leave Others Blank.**

Budget Category	Federal	Match	Total
Salaries And Benefits			
Contractual Services	27,432.00	9,144.00	36,576.00
Expenses			
Operating Capital Outlay			
Indirect Costs			
Totals	27,432.00	9,144.00	36,576.00

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**2. Budget Narrative**

- a. The Project Budget Narrative may reflect costs in any of the five budget categories (Salaries and Benefits, Contractual Services, Expenses, Operating Capital Outlay (OCO), Indirect Costs). The Total Project Costs should be included.
- b. You must describe the line items for each applicable budget category for which you are requesting subgrant funding. Provide sufficient detail to show cost relationships to project activities. Reimbursements will only be made for items clearly identified in the budget narrative.
- c. Costs must not be allocated or included as a cost to any other federally financed program.

(Continue on additional pages if necessary.)

Please respond to the following five items before providing the details of the Budget Narrative.

1. Source of match must be cash and represent no less than twenty-five (25) percent of the project's cost.
  - a. Identify your specific sources of matching funds. **Monroe County General Revenue fund.**
  - b. Is match available at the start of the grant period? **yes**
  - c. If match will be provided from a source other than the subgrant recipient or the implementing agency, how will the match be tracked and verified? (The subgrantee is responsible for compliance.) **n/a**
2. If Salaries and Benefits are included in the budget as Actual Costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the initial year?  
No: \_\_\_\_\_ If no, please explain.  
  
Yes: XX If yes, please list number and title of position and type of benefits.
3. Indicate the OCO threshold established by the subgrantee. **\$750.00** \_\_\_\_\_
4. If Indirect Cost is included in your budget please indicate the basis for the plan (e.g. percent of salaries and benefits), and provide documentation of the appropriate approval of this plan. **n/a**

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5. If the budget includes services based on unit costs, be sure to provide a definition and cost for each service as part of the budget narrative for contractual services. Provide the following information.

a. What is the basis for the unit costs?

Rationale: For the last quarter of 2003, we expanded the program to 8 designated Byrne Units. To qualify for Byrne, one has to have a dual diagnosis and a non-violent criminal history. In 2003, we have denied 14 applicants access to Byrne units. We were able to place some of these applicants in Peacock Apartments to prevent homelessness. However, many applicants were placed on the waiting list. The turnover rate for Byrne units is approximately 1-2 years. Expansion from 4 to 8 Byrne Units will result in immediate services.

b. How recently was the basis established or updated? 4/14/03

**COSTS OF PEACOCK APARTMENTS PROGRAM**

Salaries, benefits, and stipends:	195,000.00
Insurance	42,900.00
Utilities & phone	44,696.00
Supplies	15,000.00
Transportation Costs	3,600.00
Drug Tests	3,000.00
<b>TOTAL</b>	<b>\$304,196.00</b>

Annual budget of Peacock Apartments, 28 Units (beds)	304,196.00
Less HUD funding for salaries	25,000.00
Net Peacock budget	279,196.00
Divided by 28 units = cost per unit per year	9,971.00
Cost per unit per month	831.00
Rent paid by each client per month	450.00
Net Cost per bed per month	381.00
Net cost per bed day	12.52
2,922 days @ 12.52 per bed day	36,576.00

Cost of Project for 8 units at Peacock Apartments (8 x 12 x 381)	36,576.00
Total Amount Requested to fund 8 units	36,576.00
Byrne Grant Funds	27,432.00
County Match	9,144.00

Purchasing methods to be used will conform to existing Federal, State, and Local laws and regulations.

Monroe County will contract with U.S. Fellowship of Florida, Inc. for this project.



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**G. Conditions of Acceptance and Agreement**

Conditions of agreement requiring compliance by units of local government (subgrant recipients), implementing agencies and state agencies upon signed acceptance of the subgrant award appear in this section. Upon approval of this subgrant, the approved application and the following terms of conditions will become binding. Failure to comply with provisions of this agreement will result in required corrective action up to and including project costs being disallowed and termination of the project, as specified in item 16 of this section.

1. All Subgrant Recipients must comply with the financial and administrative requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) *Financial Guide* and *Byrne Program Guidance Document* as well as Florida laws and regulations including the Florida Administrative Code Chapter 11D-9, Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

**2. Allowable Costs**

- a. Allowance for costs incurred under the subgrant shall be determined according to the general principles of allowability and standards for selected cost items set forth in the OJP *Financial Guide*, U.S. Department of Justice *Common Rule for State And Local Governments* and federal OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments", or OMB Circular A-21, "Cost Principles for Educational Institutions".
- b. All procedures employed in the use of federal funds for any procurement shall be according to U.S. Department of Justice *Common Rule for State and Local Governments*, or OMB Circular A-110 and Florida law to be eligible for reimbursement.

**3. Reports**

**a. Project Performance Reports**

- (1) Reporting Time Frames: The subgrant recipient shall submit Quarterly Project Performance Reports to OCJG by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date. In addition, if the subgrant award period is extended beyond the "original" project period, additional Quarterly Project Performance Reports shall be submitted.

Failure to submit Quarterly Performance Reports that are complete, accurate and timely may result in sanctions, as specified in item 16 of Section G, performance of Agreement Provisions.

- (2) Report Contents: Performance reports must include both required sections, the quantitative response (in response to specific objectives and measures) and the qualitative narrative. The narrative must reflect on accomplishments for the quarter, incorporate specific items specified for inclusion in performance measures, and also identify problems with project implementation and address actions being taken to resolve the problems.

**b. Financial Reports**

- (1) The subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Financial Claim Report to the OCJG. Monthly Financial Claim Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Financial Claim Reports (1-3) are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Financial Claim Reports shall be submitted. A final Financial Claim Report and a Criminal Justice Contract (Financial) Closeout Package shall be submitted to OCJG within forty-five (45) days of the subgrant termination period. Such claim shall be distinctly identified as "final".
- (2) All claims for reimbursement of subgrant recipient costs shall be submitted on the Financial Claim Report Forms prescribed and provided by the Office of Criminal Justice Grants. A subgrant recipient shall submit either monthly or quarterly claims in order to report current project costs. Reports are to be submitted even when no reimbursement is being requested.
- (3) All claims for reimbursement shall be submitted in sufficient detail for proper pre-audit and post-audit.

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(4) Before the "final" claim will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.

(5) The subgrant recipient shall submit Quarterly Project Generated Income Reports to OCJG by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date covering subgrant project generated income and expenditures during the previous quarter. (See Item 10, Program Income.)

**c. Other Reports**

The subgrant recipient shall submit other reports as may be reasonably required by OCJG.

**4. Fiscal Control and Fund Accounting Procedures**

a. The subgrant recipient shall establish fiscal control and fund accounting procedures that assure proper disbursement and accounting of subgrant funds and required non-federal expenditures. All funds spent on this project shall be disbursed according to provisions of the project budget as approved by OCJG.

b. All contractual expenditures and cost accounting of funds shall conform to OJP *Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments*, and federal Office of Management and Budget's (OMB) *Circulars A-21, A-87, and A-110*, in their entirety.

c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.

**5. Payment Contingent on Appropriation**

The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature.

**6. Obligation of Subgrant Recipient Funds**

Subgrant funds shall not under any circumstances be obligated prior to the effective date or subsequent to the termination date of the subgrant period. Only project costs incurred on or after the effective date and on or prior to the termination date of the subgrant recipient's project are eligible for reimbursement.

**7. Advance Funding**

Advance funding may be authorized for up to twenty-five (25) percent of the federal award for each project according to Section 216.181(16)(b), Florida Statutes, the OJP *Financial Guide*, and the U.S. Department of Justice *Common Rule for State and Local Governments*. Advance funding shall be provided to a subgrant recipient upon a written request to the Department justifying the need for such funds. This request, including the justification, shall be either enclosed with the subgrant application or submitted to the Department prior to the first request for reimbursement. Justification should address a 30/60/90-day need for cash based on the budgeted activities for the period.

**8. Reimbursement Subject to Available Funds**

The obligation of the State of Florida to reimburse subgrant recipients for incurred costs is subject to available federal Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program funds.

**9. Travel and Training**

a. All travel reimbursement for out-of-state or out-of-grant-specified work area shall be based upon written approval of the Department prior to commencement of actual travel. Subgrant recipients shall obtain written approval from the Department for reimbursement of training costs and related travel prior to commencement of training, if the specific training was not listed in the approved budget. Subgrant recipients shall obtain written approval from the Department for reimbursement of travel costs for field trips that were not listed in the approved project description and budget.

b. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.

c. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

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**10. Program Income (also known as Project Generated Income)**

Program income means the gross income earned by the subgrant recipient during the subgrant period, as a direct result of the subgrant award. Program income shall be handled according to the *OJP Financial Guide* and U.S. Department of Justice *Common Rule for State and Local Governments* (reference 31 CFR Part 206 - Management of Federal Agency Receipts, Disbursements, and Operation of The Cash Management Improvement Fund).

**11. Approval of Consultant Contracts**

The Department shall review and approve in writing all consultant contracts prior to employment of a consultant when their rate exceeds \$450 (excluding travel and subsistence costs) for an eight-hour day. Approval shall be based upon the contract's compliance with requirements found in the *OJP Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments*, and in applicable state statutes. The Department's approval of the subgrant recipient agreement does not constitute approval of consultant contracts.

**12. Property Accountability**

- a. The subgrant recipient agrees to use all non-expendable property for criminal justice purposes during its useful life or request Department disposition.
- b. The subgrant recipient shall establish and administer a system to protect, preserve, use, maintain and dispose of any property furnished to it by the Department or purchased pursuant to this agreement according to federal property management standards set forth in the *OJP Financial Guide*, U.S. Department of Justice *Common Rule for State and Local Governments* or the federal *OMB Circular A-110*. This obligation continues as long as the subgrant recipient retains the property, notwithstanding expiration of this agreement.

**13. Ownership of Data and Creative Material**

Ownership of material, discoveries, inventions, and results developed, produced, or discovered subordinate to this agreement is governed by the terms of the *OJP Financial Guide*, and the U.S. Department of Justice *Common Rule for State and Local Governments*, or the federal *OMB Circular A-110*.

**14. Copyright**

The awarding agency reserves a royalty-free non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes:

- a. The copyright in any work developed under an award or subaward, and
- b. Any rights of copyright to which a subgrant recipient or subrecipient purchases ownership with support funded under this grant agreement.

**15. Audit**

- a. Subgrant recipients that expend \$300,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. The audit shall be performed in accordance with the federal *OMB Circular A-133* and other applicable federal law. The contract for this agreement shall be identified in The Schedule of Federal Financial Assistance in the subject audit. The contract shall be identified as federal funds passed through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received and disbursed. When applicable, the subgrant recipient shall submit an annual financial audit that meets the requirements of Sections 11.45 and 215.97, Florida Statutes, and Chapters 10.550 and 10.600, Rules of the Florida Auditor General.
- b. A complete audit report that covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report shall include any management letters issued separately and management's written response to all findings, both audit report and management letter findings. Incomplete audit reports will not be accepted by the Department and will be returned to the subgrant recipient.
- c. The subgrant recipient shall have all audits completed by an Independent Public Accountant (IPA). The IPA shall be either a Certified Public Accountant or a Licensed Public Accountant.

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- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$300,000 in Federal awards during a fiscal year are exempt from the audit requirements of *OBM Circular A-133* for that fiscal year. In this case, written notification, which can be in the form of the "Certification of Audit Exemption" form, shall be provided to the Department by the Chief Financial Officer, or designee, that the subgrant recipient is exempt. This notice shall be provided to the Department no later than March 1 following the end of the fiscal year.
- g. If this agreement is closed out without an audit, the Department reserves the right to recover any disallowed costs identified in an audit completed after such closeout.
- h. The completed audit report or notification of non-applicability should be sent to the following address:

Florida Department of Law Enforcement  
Office of Criminal Justice Grants  
2331 Phillips Road  
Tallahassee, Florida 32308

**16. Performance of Agreement Provisions**

In the event of default, non-compliance or violation of any provision of this agreement by the subgrant recipient, the subgrant recipient's consultants and suppliers, or both, the Department shall impose sanctions it deems appropriate including withholding payments and cancellation, termination, or suspension of the agreement in whole or in part. In such event, the Department shall notify the subgrant recipient of its decision thirty (30) days in advance of the effective date of such sanction. The subgrant recipient shall be paid only for those services satisfactorily performed prior to the effective date of such sanction.

**17. Commencement of Project**

- a. If a project has not begun within sixty (60) days after acceptance of the subgrant award, the subgrant recipient shall send a letter to OCJG indicating steps to initiate the project, reason for delay and request a revised project starting date.
- b. If a project has not begun within ninety (90) days after acceptance of the subgrant award, the subgrant recipient shall send another letter to OCJG, again explaining the reason for delay and request another revised project starting date.
- c. Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subgrant funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written amendment to this agreement.

**18. Excusable Delays**

- a. Except with respect to defaults of consultants, the subgrant recipient shall not be in default by reason of any failure in performance of this agreement according to its terms (including any failure by the subgrant recipient to make progress in the execution of work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the subgrant recipient. Such causes include, but are not limited to, acts of God or of the public enemy, acts of the government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case, the failure to perform shall be beyond the control and without the fault or negligence of the subgrant recipient.
- b. If failure to perform is caused by failure of a consultant to perform or make progress, and if such failure arises out of causes beyond the control of subgrant recipient and consultant, and without fault or negligence of either of them, the subgrant recipient shall not be deemed in default, unless:

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- (1) Supplies or services to be furnished by the consultant were obtainable from other sources,
    - (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
    - (3) The subgrant recipient failed to reasonably comply with such order.
  - c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.
- 19. Extension of a Contract for Contractual Services**  
Extension of a contract for contractual services between the subgrant recipient and a contractor (which includes all project budget categories) shall be in writing for a period not to exceed six (6) months and is subject to the same terms and conditions set forth in the initial contract. Only one extension of the contract shall be acceptable, unless failure to complete the contract is due to events beyond the control of the contractor.
- 20. Written Approval of Changes in this Approved Agreement**  
Subgrant recipients shall obtain approval from the Department for major substantive changes. These include, but are not limited to:
- a. Changes in project activities, target populations, service providers, implementation schedules, designs or research plans set forth in the approved agreement;
  - b. Budget deviations that do not meet the following criterion. That is, a subgrant recipient may transfer funds between budget categories as long as the total amount of transfer does not exceed ten (10) percent of the total approved budget and the transfer is made to an approved budget item; or,
  - c. Transfers of funds above the ten (10) percent cap shall be made only if a revised budget is approved by the Department. Transfers do not allow for increasing the quantitative number of items documented in any approved budget item, i.e., increasing the quantity of equipment items in Operating Capital Outlay or Expense categories, or staff positions in the Salaries and Benefits category.)
  - d. Under no circumstances can transfers of funds increase the total budgeted award.
- 21. Disputes and Appeals**
- a. The Department shall make its decision in writing when responding to any disputes, disagreements or questions of fact arising under this agreement and shall distribute its response to all concerned parties. The subgrant recipient shall proceed diligently with the performance of this agreement according to the Department's decision.
  - b. If the subgrant recipient appeals the Department's decision, the appeal also shall be made in writing within twenty-one (21) calendar days to the Department's clerk (agency clerk). The subgrant recipient's right to appeal the Department's decision is contained in Chapter 120, Florida Statutes, and in procedures set forth in Rule 28-106.104, Florida Administrative Code. Failure to appeal within this time frame constitutes a waiver of proceedings under Chapter 120, Florida Statutes.
- 22. Conferences and Inspection of Work**  
Conferences may be held at the request of any party to this agreement. At any time, a representative of the Department, of the U.S. Department of Justice, or the Auditor General of the State of Florida, have the privilege of visiting the project site to monitor, inspect and assess work performed under this agreement.
- 23. Access To Records**
- a. The Department of Law Enforcement, the Auditor General of the State of Florida, the U.S. Department of Justice, the U.S. Comptroller General or any of their duly authorized representatives, shall have access to books, documents, papers and records of the subgrant recipient, implementing agency and contractors for the purpose of audit and examination according to the OJP *Financial Guide*, and the U.S. Department of

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*Justice Common Rule for State and Local Governments.*

- b. The Department reserves the right to unilaterally terminate this agreement if the subgrant recipient, implementing agency, or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of *Chapter 119, Florida Statutes*, and made or received by the subgrant recipient or its contractor in conjunction with this agreement.
- 24. Retention of Records**  
The subgrant recipient shall maintain all records and documents for a minimum of three (3) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons.
- 25. Signature Authority**  
Both the Subgrant Recipient Authorizing Official or Designated Representative and the Implementing Agency Official, Administrator or Designated Representative who sign Section I, Signature Page, have the authority to request changes to the approved agreement. The prior mentioned individuals have authority to sign or make amendments to the Sole Source and the ADP Justification forms. The Project Director has authority to submit requests for approval of specific travel, Financial and Performance Reports, with the exception of the Closeout Package, which also requires the signature by the Chief Financial Officer of the Subgrant Recipient or authorized designee.
- 26. Delegation of Signature Authority**  
When the authorized official of a subgrant recipient or the implementing agency designates some other person signature authority for him/her, the chief officer or elected official must submit to the department a letter or resolution indicating the person given signature authority. The letter indicating delegation of signature authority must be signed by the chief officer or elected official and the person receiving signature authority. The letter must also specify the authority being delegated.
- 27. Personnel Changes**  
Upon implementation of the project, in the event there is a change in Chief Executive Officers for the Subgrantee or Implementing Agency, Project Director, or Contact Person, the OCJG must be notified in writing with documentation to include appropriate signatures.
- 28. Background Check**  
Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of Chapter 435, Florida Statutes shall apply.
- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to Chapter 435, F.S., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.
- (1) Any person who is required to undergo such a security background investigation and who refuses to cooperate in such investigation or refuses to submit fingerprints shall be disqualified for employment in such position or, if employed, shall be dismissed.
- (2) Such background investigations shall be conducted at the expense of the employing agency. When fingerprinting is required, the fingerprints of the employee or applicant for employment shall be taken by the employing agency or by an authorized law enforcement officer and submitted to the Department

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of Law Enforcement for processing and forwarding, when requested by the employing agency, to the United States Department of Justice for processing. The employing agency shall reimburse the Department of Law Enforcement for any costs incurred by it in the processing of the fingerprints.

**29. Drug Court Projects**

- a. A Drug Court Project funded by the Byrne Formula Grant Program must contain the 10 key elements outlined in the U.S. Department of Justice, Office of Justice Programs, Drug Courts Program Office, program guidelines "Defining Drug Courts: The Key Components", January 1997. This document can be obtained from FDLE, Office of Criminal Justice Grants, at (850) 410-8700.
- b. To ensure more effective management and evaluation of drug court programs, the subgrant recipient agrees that drug court programs funded with this award shall collect and maintain follow-up data on criminal recidivism and drug use relapse of program participation. The data collected must be available to U.S. DOJ and FDLE upon request.

**30. Overtime for Law Enforcement Personnel**

Prior to obligating funds from this award to support overtime by law enforcement officers, the U.S. Department of Justice encourages consultation with all allied components of the criminal justice system in the affected jurisdiction. The purpose of this consultation is to anticipate and plan for systemic impacts such as increased court dockets and the need for detention space.

**31. Criminal Intelligence System**

- a. The purpose of the federal regulation published in 28 CFR Part 23 - Criminal Intelligence Systems Operating Policies is to assure that subgrant recipients of federal funds for the principal purpose of operating a criminal intelligence system under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et seq., as amended, use those funds in conformance with the privacy and constitutional rights of individuals.
- b. The subgrant recipient and a criminal justice agency that is the implementing agency agree to certify that they operate a criminal intelligence system in accordance with *Sections 802(a) and 818(c) of the Omnibus Crime Control and Safe Streets Act of 1968*, as amended and comply with criteria as set forth in *28 CFR Part 23 - Criminal Intelligence Systems Operating Policies* and in the Bureau of Justice Assistance's *Formula Grant Program Guidance*. Submission of this certification is a prerequisite to entering into this agreement.
- c. This certification is a material representation of fact upon which reliance was placed when this agreement was made. If the subgrant recipient or criminal justice agency operates a criminal intelligence system and does not meet Act and federal regulation criteria, they must indicate when they plan to come into compliance. Federal law requires a subgrant-funded criminal intelligence system project to be in compliance with the Act and federal regulation prior to the award of federal funds. The subgrant recipient is responsible for the continued adherence to the regulation governing the operation of the system or faces the loss of federal funds. The Department's approval of the subgrant recipient agreement does not constitute approval of the subgrant-funded development or operation of a criminal intelligence system.

**32. Confidential Funds**

A signed certification that the project director or the head of the Implementing Agency has read, understands, and agrees to abide by all of the conditions for confidential funds as set forth in the effective edition of OJP's Financial Guide is required from all projects that are involved with confidential funds from either Federal or matching funds. The signed certification must be submitted at the time of grant application.

**33. Equal Employment Opportunity (EEO)**

- a. No person, on the grounds of race, creed, color or national origin shall be excluded from participation in, be refused benefits of, or otherwise subjected to discrimination under grants awarded pursuant to Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; The Age Discrimination Act of 1975; and, Department of Justice Non-Discrimination Regulations 28 CFR Part 42, Subparts C, D, E, F, G and H.
- b. The subgrant recipient and a the implementing agency agree to certify that they either do or do not meet EEO program criteria as set forth in Section 501 of The Federal Omnibus Crime Control and Safe Streets Act of 1968, as amended and that they have or have not formulated, implemented and maintained a current EEO

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Program. Submission of this certification is a prerequisite to entering into this agreement. This certification is a material representation of fact upon which reliance was placed when this agreement was made. If the subgrant recipient or implementing agency meet Act criteria but have not formulated, implemented and maintained such a current written EEO Program, they have 120 days after the date this agreement was made to comply with the Act or face loss of federal funds subject to the sanctions in the Justice System Improvement Act of 1979, Pub. L. 96-157, 42 U.S.C. 3701, et seq. (Reference Section 803 (a) of the Act, 42 U.S.C. 3783 (a) and 28 CFR Section 42.207 Compliance Information).

- c. Any subgrant recipient or implementing agency receiving a single grant award for \$500,000 or more OR an aggregate of grant awards for \$1,000,000 or more during any 18 month period in federal funds, must have approval of its EEO Plan by the U.S. DOJ, Office for Civil Rights (OCR). The subgrantee shall submit its EEO Plan to FDLE, for submittal to the U.S. DOJ, OCR for approval. The submission shall be in both paper copy and electronic format. If the U.S. DOJ, OCR has approved an agency's EEO Plan during the two previous years, it is not necessary to submit another EEO Plan. Instead, the subgrantee need only send a copy of its approval letter from the OCR. However, if the EEO Plan approval is more than two years old, an updated Plan must be submitted.
- d. In the event a Federal or State court of Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

**34. Americans with Disabilities Act**

Subgrantees must comply with the requirements of the Americans with Disabilities Act (ADA), Public Law 101-336, which prohibits discrimination by public and private entities on the basis of disability and requires certain accommodations be made with regard to employment (Title I), state and local government services and transportation (Title II), public accommodations (Title III), and telecommunications (Title IV).

**35. Immigration and Nationality Act**

No public funds will intentionally be awarded to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e), Section 274A(e) of the Immigration and Nationality Act ("INA"). The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the subgrant recipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this contract by the Department.

**36. National Environmental Policy Act (NEPA)**

- a. The subgrantee agrees to assist FDLE in complying with the NEPA and other related federal environmental impact analyses requirements in the use of subgrant funds by the subgrantee. This applies to the following new activities whether or not they are being specifically funded with these subgrant funds. That is, it applies as long as the activity is being conducted by the subgrantee or any third party and the activity needs to be undertaken in order to use these subgrant funds.
  - (1) New construction;
  - (2) Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
  - (3) A renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
  - (4) Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.
- b. For any of a subgrantee's existing programs or activities that will be funded by these subgrants, the subgrantee, upon specific request from the Department and the U.S. Department of Justice, agrees to



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cooperate with DOJ in any preparation by DOJ of a national or program environmental assessment of that funded program or activity.

**37. Non-Procurement, Debarment and Suspension**

The subgrant recipient agrees to comply with Executive Order 12549, Debarment and Suspension (34 CFR, Part 85, Section 85.510, Participant's Responsibilities). These procedures require the subgrant recipient to certify it shall not enter into any lower tiered covered transaction with a person who is debarred, suspended, declared ineligible or is voluntarily excluded from participating in this covered transaction, unless authorized by the Department.

**38. Federal Restrictions on Lobbying**

- a. Each subgrant recipient agrees to comply with 28 CFR Part 69, "New Restrictions on Lobbying" and shall file the most current edition of the Certification And Disclosure Form, if applicable, with each submission that initiates consideration of such subgrant recipient for award of federal contract, grant, or cooperative agreement of \$100,000 or more; or federal loan of \$150,000 or more.
- b. This certification is a material representation of fact upon which reliance was placed when this agreement was made. Submission of this certification is a prerequisite to entering into this agreement subject to conditions and penalties imposed by *Section 1352, Title 31, United States Code*. Any person who fails to file the required certification is subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure to file.
- c. The undersigned certifies, to the best of his or her knowledge and belief, that:
  - (1) No federally appropriated funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of congress, an officer or employee of congress, or an employee of a member of congress in connection with the awarding of any federal loan, the entering into of any renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
  - (2) If any non-federal funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of congress, or an employee of a member of congress in connection with this federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit the standard form, Disclosure of Lobbying Activities, according to its instructions.

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- (3) The undersigned shall require that the language of this certification be included in award documents for all subgrant awards at all tiers and that all subgrant recipients shall certify and disclose accordingly.

**39. State Restrictions on Lobbying**

In addition to the provisions contained in Item 38 of Section G, Conditions of Acceptance and Agreement, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

**40. "Pay-to-Stay"**

Funds from this award may not be used to operate a "pay-to-stay" program in any local jail. Furthermore, no funds may be given to local jails that operate "pay-to-stay" programs. "Local jail", as referenced in this condition, means an adult facility or detention center owned and/or operated by city, county, or municipality. It does not include juvenile detention centers. "Pay-to-stay" programs as referenced in this condition, means a program by which extraordinary services, amenities and/or accommodations, not otherwise available to the general inmate population, may be provided, based upon an offender's apparent ability to pay, such that disparate conditions of confinement are created for the same or similar offenders within a jurisdiction.

**41. Mitigation of Health, Safety and Environmental risks dealing with Clandestine Methamphetamine Laboratories**

If an award is made to support methamphetamine laboratory operations the subgrant recipient must comply with this condition, which provides for individual site environmental assessment/impact statements as required under the National Environmental Policy Act.

- a. **General Requirement:** The subgrantee agrees to comply with Federal, State, and local environmental, health and safety laws and regulations applicable to the investigation and closure of clandestine methamphetamine laboratories and the removal and disposal of the chemicals, equipment, and wastes used in or resulting from the operation of these laboratories.
- b. **Specific Requirements:** The subgrantee understands and agrees that any program or initiative involving the identification, seizure, or closure of clandestine methamphetamine laboratories can result in adverse health, safety and environmental impacts to (1) the law enforcement and other governmental personnel involved; (2) any residents, occupants, users, and neighbors of the site of a seized clandestine laboratory; (3) the seized laboratory site's immediate and surrounding environment of the site(s) where any remaining chemicals, equipment, and waste from a seized laboratory's operations are placed or come to rest.

Therefore, the subgrantee further agrees that in order to avoid or mitigate the possible adverse health, safety and environmental impacts from any of clandestine methamphetamine operations funded under this award, it will (1) include the nine, below listed protective measures or components; (2) provide for their adequate funding to include funding, as necessary, beyond that provided by this award; and (3) implement these protective measures directly throughout the life of the subgrant. In so doing, the subgrantee understands that it may implement these protective measures directly through the use of its own resources and staff or may secure the qualified services of other agencies, contractor or other qualified third party.

1. Provide medical screening of personnel assigned or to be assigned by the subgrantee to the seizure or closure of clandestine methamphetamine laboratories;
2. Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and other personnel assigned by the subgrantee to either the seizure or closure of clandestine methamphetamine laboratories;
3. As determined by their specific duties, equip personnel assigned to the project with OSHA required protective wear and other required safety equipment;
4. Assign properly trained personnel to prepare a comprehensive contamination report on each closed laboratory;
5. Employ qualified disposal contractors to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized clandestine laboratory;

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6. Dispose of the chemicals, equipment, and contaminated materials and wastes removed from the sites of seized laboratories at properly licensed disposal facilities or, when allowable, properly licensed recycling facilities;
7. Monitor the transport, disposal, and recycling components of subparagraphs 5. and 6. immediately above in order to ensure proper compliance;
8. Have in place and implement an inter-agency agreement or other form of commitment with a responsible State environmental agency that provides for that agency's (i) timely evaluation of the environmental conditions at and around the site of a closed clandestine laboratory and (ii) coordination with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if necessary, and in accordance with existing State and Federal requirements; and
9. Included among the personnel involved in seizing of clandestine methamphetamine laboratories, or have immediate access to, qualified personnel who can respond to the potential health needs of any offender(s)' children or other children present or living at the seized laboratory site. Response actions should include, at a minimum and as necessary, taking children into protective custody, immediately testing them for methamphetamine toxicity, and arranging for any necessary follow-up medical tests, examinations or health care.

**APPENDIX IV – CERTIFICATION OF COMPLIANCE WITH  
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM REQUIREMENTS**

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**SUBGRANTEE CERTIFICATION**

I, the undersigned authorized official, certify that according to Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 as amended, that the Subgrantee (Subgrant Recipient) . . . (Select one of the following):

XX Meets Act Criteria

\_\_\_\_\_ Does not meet Act Criteria

I affirm that I have read the Act criteria set forth in the Subgrant Application Instructions. I understand that if the Subgrant Recipient meets these criteria, it must formulate, implement and maintain a written EEO Plan relating to employment practices affecting minority persons and women. I also affirm that the Subgrant Recipient . . . (Select one of the following):

XX Has a Current EEO Plan

\_\_\_\_\_ Does Not Have a Current EEO Plan

\_\_\_\_\_ Has included a copy of the current approval letter from the US DOJ

I further affirm that if the Subgrant Recipient *meets* the Act criteria and does not have a current written EEO Plan, federal law requires it to formulate, implement, and maintain such a Plan within 120 days after a subgrant application for federal assistance is approved or face loss of federal funds.

  
\_\_\_\_\_  
Signature of Subgrantee Authorized Official

Type Name: James L. Roberts

Title: County Administrator

Subgrant Recipient: Monroe County Board of County Commissioners

Date: 6/4/03

**APPENDIX IV – CERTIFICATION OF COMPLIANCE WITH  
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM REQUIREMENTS**

Florida Department of Law Enforcement  
Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program

**IMPLEMENTING AGENCY CERTIFICATION**

I, the undersigned authorized official, certify that according to Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 as amended, that this Implementing Agency . . . (Select one of the following):

XX Meets Act Criteria

\_\_\_\_\_ Does not meet Act Criteria

I affirm that I have read the Act criteria set forth in the Subgrant Application Instructions. I understand that if the Implementing Agency meets these criteria, it must formulate, implement and maintain a written EEO Plan relating to employment practices affecting minority persons and women. I also affirm that the Implementing Agency . . . (Select one of the following):

XX Has a Current EEO Plan      \_\_\_\_\_ Does Not Have a Current EEO Plan

\_\_\_\_\_ Is Included in the EEO Plan of the Subgrant Recipient.

\_\_\_\_\_ Has included a copy of the current approval letter from the US DOJ

I further affirm that if the Implementing Agency meets the Act criteria and does not have a current written EEO Plan, federal law requires it to formulate, implement, and maintain such a Plan within 120 days after a subgrant application for federal assistance is approved or face loss of federal funds.



\_\_\_\_\_  
Signature of Implementing Agency Authorized Official

Type Name: James L. Roberts

Name of Subgrant Recipient: Monroe County Board of County Commissioners

Name of Implementing Agency: Monroe County Board of County Commissioners

Title: County Administrator

Date: 6/4/03

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**H. Signature Page**

In witness whereof, the parties affirm they each have read and agree to the conditions set forth in this agreement, have read and understand the agreement in its entirety and have executed this agreement by their duly authorized officers on the date, month and year set out below.

Corrections on this page, including  
Strikeovers, whiteout, etc. are not acceptable.

State of Florida  
Department of Law Enforcement  
Office of Criminal Justice Grants

Signature: \_\_\_\_\_

*Clayton H. Wilder*

Typed Name and Title: Clayton H. Wilder, Community Program Administrator

Date: 9-24-03

Subgrant Recipient  
Authorizing Official of Governmental Unit  
(Commission Chairman, Mayor, or Designated Representative)

Typed Name of Subgrant Recipient: Monroe County Board of County Commissioners

Signature: \_\_\_\_\_

*James L. Roberts*

Typed Name and Title: James L. Roberts, County Administrator

Date: 6/4/03

Implementing Agency  
Official, Administrator or Designated Representative

Typed Name of Implementing Agency: Monroe County Board of County Commissioners

Signature: \_\_\_\_\_

*James L. Roberts*

Typed Name and Title: James L. Roberts, County Administrator

Date: 6/4/03